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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,501	01/04/2002	Theodore F. Emerson	COMP:0221	6279
7590	05/03/2007		EXAMINER	
Intellectual Property Administration Legal Department M/S 35 P.O. Box 272400 Ft. Collins, CO 80527-2400			PATEL, DHARYA A	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/037,501	EMERSON ET AL.
	Examiner	Art Unit
	Dhairya A. Patel	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 December 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 and 11-23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9, 11-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

1. This action is responsive to appeal brief filed on 12/27/2006.
2. Dependent claim 10 has been cancelled.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,9,13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claims 1,9,13, it states “..to redirect without arbitration the data received from the OS to the remote user”. Nowhere in the specification does it state “to redirect without arbitration”. Therefore the claim language is not supported by the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1,3,5-9,11-13,15-20 are rejected under 35 U.S.C. 102(e) as being U.S. Patent Vachon et al. U.S. Patent Publication # 2002/0078404 (hereinafter Vachon)

As per claim 1, Vachon teaches a remote server management controller, comprising:

-an external communication interface (Fig. 1 element 106) adapted to receive from a remote user (Fig. 5 element "target computer") (Paragraph 33);

Vachon teaches serial bus such as IEEE 1394 serial bus adapted to receive data from target computer

-an input/output processor (IOP) adapted to receive data from external communication interface (Paragraph 33); and

Vachon teaches host computer receives data from the serial bus of the content of the target computer.

-transmit data corresponding to the data received from the external communication interface to an operating system (OS) of a managed server (Paragraph 36)(Paragraph 38); and

Vachon teaches sending the data via serial bus interface the data received from the target computer to the host computer and the debugger run by the operating system.

-a virtual communication device (VCD) interface adapted to: intercept data received from the OS (Paragraph 39), the VCD interface comprising a pre-defined standard communication interface, the data received from the OS being intended for specific communication interface (Paragraph 36), and to redirect without arbitration the data received from the OS to the remote user via the external communication interface instead of redirecting the data received from the OS to the specific communication interface (Paragraph 38)(Paragraph 39).

As per claim 3, Vachon teaches the remote server management controller of claim 1, wherein the specific communication interface is a USB host controller of the managed server (Paragraph 27)

As per claim 5, Vachon teaches the remote server management controller of claim 1, wherein data received from the user over the external communication interface is transmitted to the OS of the managed server (Paragraph 36)(Paragraph 38) via a USB interface (Paragraph 27).

As per claim 6, Vachon teaches the remote server management controller of claim 1, the specific communication interface is a 1394 interface of the managed server (Paragraph 33)(Paragraph 36).

As per claim 7, Vachon teaches the remote server management controller of claim 1, wherein data received from the user over the external communication interface

is transmitted to the OS of the managed server via a 1394 interface (Paragraph 33)(Paragraph 36)

As per claim 8, Krantz teaches the remote server management controller of claim 1, wherein the external communication interface is an Ethernet interface (Paragraph 31)(Paragraph 30).

As per claim 9, Vachon teaches a remote server management controller, comprising:

-an input/output processor (IOP) adapted to monitor interrupt data transmitted from a super I/O (SIO) to a southbridge (), to alter the interrupt data transmitted from the SIO based on input received from an external user via an external communication interface (Paragraph 33) and to transmit the altered interrupt data to a managed server (Paragraph 36)(Paragraph 38); and

-a virtual communication device (VCD) that comprises a predefined standard communication interface (Paragraph 33), the VCD being adapted to:

-intercept responsive data intended to be transmitted to the SIO in response to the altered interrupt data (Paragraph 36), the responsive data being in a format that is not compatible with the first communication protocol (Paragraph 36)(Paragraph 39); and

-prevent the responsive data from reaching the SIO (Paragraph 39);

-format the responsive data for transmission (Paragraph 38)(Paragraph 39); and

-redirect without arbitration the formatted data to the external communication interface (Paragraph 38)(Paragraph 40)(Paragraph 41).

As per claim 11, Krontz teaches the remote server management controller of claim 9 wherein the input received from the external user is adapted to emulate an interrupt generated by a device in the managed server (Paragraph 38)(Paragraph 39).

As per claim 12, Krontz teaches the remote server management controller of claim 9 wherein the external communication interface is an Ethernet interface (Paragraph 30)(Paragraph 31)

As per claim 13, Krontz teaches a method of remotely retrieving data from an operating system (OS), the method comprising the acts of:

-receiving a request for OS information from a remote user (Paragraph 33)(Paragraph 35)(Paragraph 36);

-transmitting the request for OS information to the OS via a virtual communication device (VCD) comprising a pre-defined standard communication interface (Paragraph 36)(Paragraph 38)

-receiving via the VCD interface data responsive to the act of transmitting the request to the OS, the data being intended for a specific communication interface (Paragraph 36)

-formatting the responsive data for transmission (Paragraph 38)(Paragraph 39);

and

The reference teaches remote computer senses that connection in regards to data has not been established and retransmits and redirects it again through the protocols (format the data) therefore gobbling of data changed therefore the data has been transmitted.

-redirecting without arbitration the formatted data to the external communication interface (Paragraph 38)(Paragraph 40)(Paragraph 41).

As per claim 14, Krontz teaches the method of claim 13 wherein the specific communication interface is a UART interface (column 10 lines 44-64).

As per claim 15, Krontz teaches the method of claim 13 but fails to teach wherein the specific communication interface is a USB interface (Paragraph 27).

As per claim 16, Krontz teaches the method of claim 13 but fails to teach wherein the specific communication interface is a 1394 interface (Paragraph 33)(Paragraph 36)

As per claim 17, Krontz teaches the method of claim 13 further comprising the act of enabling an Ethernet interface to receive the request for OS information (Paragraph 30)(Paragraph 31)

As per claim 18, Krontz teaches the method of claim 13 further comprising the act of initiating an out-of-band management communication session (column 11 lines 25-45)(column 10 lines 46-64).

As per claim 19, Krontz teaches the method of claim 13 further comprising the act of enabling a VCD to transmit the request for OS information to the OS (Paragraph 36)(Paragraph 38)(Paragraph 39).

As per claim 20, Krontz teaches the method of claim 13 wherein the recited acts are performed in the recited order (Paragraph 38)(Paragraph 39)

As per claim 21, Krontz teaches the remote server management controller of claim 1, pre-defined communication interface comprises a USB interface (Paragraph 27)

As per claim 22, Krontz teaches the remote server management controller of claim 9, pre-defined communication interface comprises a USB interface (Paragraph 27)

As per claim 23, Krontz teaches the method of claim 13, pre-defined communication interface comprises a comprises a USB interface (Paragraph 27).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,5,15,21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable Vachon in view of Hsu et al. U.S. Patent # 5,765,021 (hereinafter Hsu)

As per claim 2, Vachon teaches the remote server management controller of claim 1, but fails to teach wherein the specific communication interface is a UART interface of the managed server. Hsu teaches the specific communication interface is a UART interface of the managed server (column 2 lines 12-28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Hsu's teaching in Vachon's teaching to come up with using specific communication interface as UART interface because the UART intercepts or provides data to communication applications. The motivation for doing so would be intercepting and providing data to communication applications designed to communicate via a communication driver in the operating system (column 2 lines 1-4)

As per claim 4, Vachon teaches the remote server management controller of claim 1, wherein data received from the user over the external communication interface is transmitted to the OS of the managed server (Paragraph 36)(Paragraph 38) but fails to teach via a UART interface. Hsu teaches using UART interface for transmitting data to the OS of the server (column 2 lines 12-28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Hsu's teaching in Vachon's teaching to come up with using specific communication interface as UART interface because the UART intercepts or provides data to communication applications. The motivation for doing so would be intercepting and providing data to communication applications designed to communicate via a communication driver in the operating system (column 2 liens 1-4)

As per claim 14, Vachon teaches the method of claim 13, but fails to teach wherein the specific communication interface is a UART interface. Hsu teaches the specific communication interface is a UART interface (column 2 lines 12-28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Hsu's teaching in Vachon's teaching to come up with using specific communication interface as UART interface because the UART intercepts or provides data to communication applications. The motivation for doing so would be intercepting and providing data to communication applications designed to communicate via a communication driver in the operating system (column 2 lines 1-4).

***Response to Arguments***

Applicant's arguments filed under appeal brief on 12/27/2007 for claims 1-9,11-20, has been fully considered and the Final Rejection has been withdrawn, in view of new grounds of rejection. Therefore this action is an non-final rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - A). "Transparent keyboard hot plug" by Emerson et al. U.S. Patent # 5,898,861.
  - B). "Modem Sharing" by Krontz et al. U.S. Patent # 5,790,895.
6. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairy A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAP

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